

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
(Harrisonburg Division)**

X

In re:	:	Chap. 13
	:	
Susan L. Pride	:	No. 12-50523
	:	
Debtor.	:	
	:	
		X
	:	
Susan L. Pride,	:	
	:	
Movant	:	
	:	
v.	:	
	:	
Jormandy, LLC	:	
	:	
Respondent	:	
		X

MOTION TO AVOID JUDICIAL LIEN OF JORMANDY, LLC, ON REAL PROPERTY

NOW COME Debtor, **Susan L. Pride**, and moves pursuant to 11 U.S.C. § 522(f) to avoid the judicial lien of Jormandy, LLC. In support of this Motion, Debtor states as follows:

1. This Court has jurisdiction over this proceeding under 28 U.S.C. §§ 1334 and 157. This is a core proceeding.
2. On April 17, 2012, Debtor commenced this case by filing a voluntary petition for relief under Chapter 13 of Title 11 of the United States Bankruptcy Code.
3. Debtor is the owner of real property having a legal description of:

Daniel M. Press, VSB# 37123
Chung & Press, P.C.
6718 Whittier Ave., Suite 200
McLean, VA 22101
(703) 734-3800
Counsel for Debtor

ALL OF THAT CERTAIN LOT OR PARCEL OF LAND, TOGETHER WITH THE IMPROVEMENTS THEREON, RIGHTS OF WAY PRIVILEGES, AND THE APPURTENANCES THEREUNTO BELONGING, CONTAINING 6.869 ACRES, MORE OR LESS, LYING AND BEING SITUATE ON THE WESTERN SIDE OF ROUTE 693, IN GAINESBORO MAGISTERIAL DISTRICT, FREDERICK COUNTY, VIRGINIA, AND MORE PARTICULARLY DESCRIBED ON THAT CERTAIN PLAT AND SURVEY DRAWN BY THOMAS A. SHOCKEY, CLS, DATED SEPTEMBER 19, 1978, ATTACHED TO A DEED DATED OCTOBER 12, 1978, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF FREDRICK COUNTY, VIRGINIA, IN DEED BOOK 499, AT PAGE 523.

Known as: 1545 Collinsville Road, Cross Junction, VA 22625

The value of the entire property, per the tax assessment, is \$195,100. The property is subject to a first deed of trust in the amount greater than \$404,528.73, and a second deed of trust in an amount greater than \$44,124.76. The Debtor claimed such property as exempt on her Schedule C in the amount of \$1.01 pursuant to Va. Code § 34-4.

4. On August 19, 2010, judgment was entered in favor of Jormandy, LLC, and against the Debtor in the Frederick County, Virginia, General District Court, Case No. GV10-001053-00, in the amount of \$11,008.58 with interest at 6% per annum from the date of judgment, and \$56.00 costs. The said judgment was docketed in the Frederick County Circuit Court on September 9, 2010, as Instrument No. 100004042, creating a judicial lien on the Debtor's real estate.

5. The Debtor's real estate is encumbered by the following liens senior in priority to the judicial lien at issue:

<u>Lien Creditor</u>	<u>Amount</u>	<u>Basis</u>
American Home Mortgage as servicer for Deutsche Bank National Trust Co., Trustee	> \$404,528.73	First Deed of Trust, (Inst. No. 060008134, filed 4/27/06)
Beneficial Mtg. Co. of Va.	> \$44,124.76	Second Deed of Trust (Inst. No. 070007497, filed 5/7/07)

6. Accordingly, because the total of the Debtor's \$1.01 exemption and the amount of the prior liens (> \$448,653.49) exceeds the value of the Debtor's interest in the

property (\$195,100), the judicial lien is completely avoidable under 11 U.S.C. § 522(f) as impairing the Debtor's exemption.

WHEREFORE, Debtor respectfully requests that the Court enter an Order avoiding in its entirety the judicial lien of Jormandy, LLC, (Instrument No. 100004042) against the Debtor's real estate.

Respectfully submitted,

/s/ Daniel M. Press
Daniel M. Press, VSB 37123
Chung & Press, P.C.
6718 Whittier Ave., Suite 200
McLean, VA 22101
(703) 734-3800
(703) 734-0590 fax
dpress@chung-press.com

CERTIFICATE OF SERVICE

This is to certify that on this 1st day of May, 2012, I caused to be served the foregoing Motion to Avoid Judicial Lien on the Chapter 13 Trustee by CM/ECF, and upon creditor Jormandy, LLC by first class mail, postage prepaid, addressed to:

Nicole Lang White, Esq.
Jormandy, LLC
PO Box 13101
Norfolk, VA 23506-0101

Jormandy, LLC
Nicole Lang White, Reg. Agt.
6363 Center Dr. Bldg. 6, Ste 203
Norfolk VA 23502

/s/ Daniel M. Press
Daniel M. Press